IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 2663 /2001

PETITIONER : Rajkumar Pandey, S/o Kamla Prasad, R/o Delhi Depot, Post-Kargi Road, District Bilaspur, Former Helper, Forest Division, Achanakmar.

-VERSUS-

RESPONDENTS : 1. District Forest Officer, Forest Division, Bilaspur.

2. Forest Ranger, Forest Range, Achanakmar (North), Post Kargi Road, Bilaspur.

P. R. No. 2664
Presented by Shri V. Deshmukh
dated 14/12/01

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2663 of 2001

Petitioner : Rajkumar Pandey

Versus

Respondents : District Forest Officer, Bilaspur and another

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Indra Sen Sahu, counsel for the Petitioner.

Shri Sunil Otwani, Panel lawyer for the respondents/State.

ORAL ORDER

(20th March, 2006)

1. The petitioner was employed as Helper w.e.f. 4.3.1986. The service of the petitioner was terminated on 22.8.1989 on the ground that the petitioner had committed misconduct by taking away the government vehicle i.e. Truck Bearing No. CPZ-7139 to somewhere and caused accident whereby 11 persons seating in the vehicle were seriously injured.

2. The dispute was referred to the Labour Court. The Labour Court by its order dated 28.9.2001 (Annexure P-1), after having considered all the facts of the case, came to the conclusion that the petitioner was entitled to be reinstatement in the service without back wages.

3. The case No. 183/92 for an offences committed under Section 279, 337 and 338 of the Indian Penal Code was registered against the petitioner in the court of the Judicial

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Magistrate, Class-I, Bilaspur. The petitioner was acquitted from the said offences by order dated 23.9.1994.

4. The petitioner has filed this petition challenging the order dated 28.9.2001 passed by the Labour Court under the Industrial Disputes Act, Bilaspur in Case No. 117/I.D.A./90(Reference) to the extent that the petitioner was wrongly denied back wages.

5. Learned counsel for the petitioner submits that refusal of back wages to the petitioner is arbitrary, illegal and contrary to the Law applicable to the facts and circumstances of the case. Learned counsel for the petitioner further contended that since the termination was found as invalid and further the petitioner was acquitted from the criminal charges. The petitioner was entitled to back wages.

6. The respondents have not challenged the order of the Labour Court whereby the respondents were directed to reinstate the petitioner in the service.

7. I have heard learned counsel for the parties and perused the records appended to the petition. There is no perversity in the impugned order dated 28.9.2001 passed by the Labour Court. The grant of back wages was rightly denied to the petitioner on the principle of "no work no pay". The petitioner has accepted the order of reinstatement and as such, it is not necessary to set aside the impugned order dated 28.9.2001 passed by the Labour Court in respect of non-payment of back wages. There is no perversity and the

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order is based on proper appreciation of evidence and having applied law properly.

8. This Court in exercise of its power under Article 226/227 of the Constitution of India has limited scope to interfere with the findings of the Labour Court. The High Court can interfere only in cases of erroneous assumption of facts or excess of jurisdiction, refusal to exercise jurisdiction, error of law apparent on the face of records, arbitrary or capricious exercise of powers of the authority or discrimination, flagrant error in procedure and recording of the perverse findings. In the present case I have not found that any of the ground stated above has been invoked to seek interference of this Court.

9. For the reasons stated above, it does not warrant any interference with the impugned order dated 28.9.2001 and as a result, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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